

#7

Atty's Dkt: KAMADA1

In re Application of: Kenji KAMADA  
Serial No. 10/501,215  
IA Filing Date: January 14, 2003  
For: ANHYDRATE/HYDRATE OF AN ERYTHROMYCIN...

) Application Division  
) ATTN: PCT  
) Washington, D.C.  
) Confirmation No. 3815  
) Date: April 8, 2005

LATE SUBMISSION OF DECLARATION AND/OR TRANSLATION IN APPLICATION FILED UNDER 35 USC 371

U.S. Patent and Trademark Office  
Customer Service Window  
Randolph Building, Mail Stop Missing Parts  
401 Dulany Street  
Alexandria, VA 22314

Sir:

The present communication is in response to the "NOTICE OF MISSING REQUIREMENTS UNDER 35 USC 371..." dated February 9, 2005. Attached hereto is/are:

- [XX] An executed oath or declaration in compliance with 37 C.F.R. 1.63, identifying the present application by title and priority information.  
[XX] Response to Sequence Listing Requirement  
[XX] An Information Disclosure Statement with 08A- 1449 and 5 references.  
[XX] Additional fees as calculated below:

[ ] Basic fee			
Surcharge of \$130.00 for furnishing the oath or declaration later than [ ] 20 [XX] 30 months from the earliest claimed priority date (37 CFR 1.492(e)).			\$130.00
Number of each additional 50 pages or fraction thereof (round up to a whole number)		RATE	
		X \$250.00	
Number of Claims Previously Paid For	Number of Extra Claims	Rate	
27- 20 =	7	X \$ 50.00	\$ 350.00
15- 3 =	12	X \$200.00	\$2,400.00
Multiple Dependent Claims (if applicable)		+ \$360.00	\$ 360.00
TOTAL OF ABOVE CALCULATIONS			\$3,240.00
Reduction of 1/2 for filing by small entity, if applicable. Applicant claims small entity status. See 37 CFR 1.27.			<\$ >
SUBTOTAL			\$3,240.00
Processing fee of \$130.00 for late furnishing of the English translation.			\$
TOTAL NATIONAL FEE			\$3,240.00

- [ ] Surcharge for late filing of the Declaration was paid on \_\_\_\_\_.  
[ ] It is hereby petitioned for an extension of time in accordance with 37 C.F.R. 1.136(a). The appropriate fee required by 37 C.F.R. 1.17 is calculated as shown below:

Small Entity

Response Filed Within	
[ ] First	- \$ 60.00
[ ] Second	- \$ 225.00
[ ] Third	- \$ 510.00
[ ] Fourth	- \$ 795.00
[ ] Fifth	- \$1,080.00

Other Than Small Entity

Response Filed Within	
[ ] First	- \$ 120.00
[ ] Second	- \$ 450.00
[ ] Third	- \$1,020.00
[ ] Fourth	- \$1,590.00
[ ] Fifth	- \$2,160.00

month after time period set

month after time period set

[XX] Total fees enclosed: \$ 3,240.00

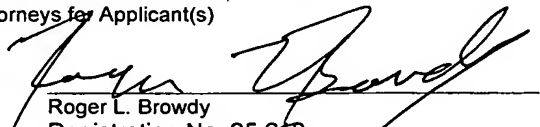
[XX] Credit Card Payment Form, PTO-2038, authorizing payment the amount of \$ 3,240.00 is enclosed to cover the above fees.  
[XX] Conditional Petition for Extension of Time:

If any extension of time for a response is required, applicant requests that this be considered a petition therefor.

[XX] The Commissioner is hereby authorized and requested to charge any additional fees which may be required in connection with this application or credit any overpayment to Deposit Account No. 02-4035. This authorization and request is not limited to payment of all fees associated with this communication, including any Extension of Time fee, not covered by check or specific authorization, but is also intended to include all fees for the presentation of extra claims under 37 CFR 1.16 and all patent processing fees under 37 CFR 1.17 throughout the prosecution of the case. This blanket authorization does not include patent issue fees under 37 CFR 1.18.

04/12/2005 SHAJARRO 00000144 10501215

BROWDY AND NEIMARK, P.L.L.C.  
Attorneys for Applicant(s)

By:   
Roger L. Browdy  
Registration No. 25,618

01 FC:1617 130.00 OP  
02 FC:1615 350.00 OP  
03 FC:1614 2400.00 OP  
04 FC:1616 360.00 OP

RLB:ses  
G:\BNYYUAS\Kamada1\pto\missingnationaltransmittalExclaims.doc

Rec'd PCT/PTO

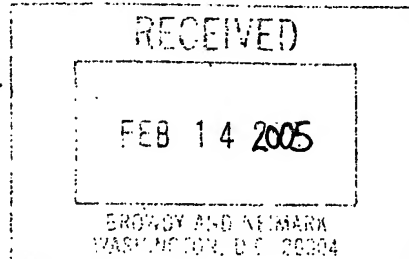
08 APR 2005  
YUAS.

## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

U.S. APPLICATION NUMBER NO. 10/501,215	FIRST NAMED APPLICANT Kenji Kamada	ATTY. DOCKET NO. KAMADA1
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001444  
BROWDY AND NEIMARK, P.L.L.C.  
624 NINTH STREET, NW  
SUITE 300  
WASHINGTON, DC 20001-5303



INTERNATIONAL APPLICATION NO. PCT/JP03/00203	
LA. FILING DATE 01/14/2003	PRIORITY DATE 01/11/2002

CONFIRMATION NO. 3815  
371 FORMALITIES LETTER



Date Mailed: 02/09/2005

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 07/12/2004
- Copy of the International Search Report filed on 07/12/2004
- Copy of IPE Report filed on 07/12/2004
- Copy of Annexes to the IPER filed on 07/12/2004
- Preliminary Amendments filed on 07/12/2004
- Request for Immediate Examination filed on 07/12/2004
- U.S. Basic National Fees filed on 07/12/2004
- Priority Documents filed on 07/12/2004

MSP/SEQ/IDS=09AP2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Additional claim fees of \$2400 as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- \$130 Surcharge for providing the oath or declaration later than 30 months from the priority date (37 CFR 1.492(e)) is required.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$2530 for a Large Entity:

- \$130 Late oath or declaration Surcharge.

The following items **MUST** be furnished within the period set forth below:

- The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason(s):
  - This application does not contain a "Sequence Listing" as a separate part of the disclosure on paper copy or compact disc, as required by 37 CFR 1.821(c) and PCT Rule 5.2(a).
  - A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e) and PCT Rule 13ter.1(a)(ii).
  - **APPLICANT MUST PROVIDE:**
    - An initial or substitute computer readable form (CRF) of the "Sequence Listing."
    - An initial or substitute paper copy or compact disc of the "Sequence Listing," as well as an amendment directing its entry into the specification.
- For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:
  - For Rules Interpretation, call (703) 308-4216
  - To Purchase PatentIn Software, call (703) 306-2600
  - For PatentIn Software Program Help, call (703) 306-4119 or e-mail at [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or [patin3help@uspto.gov](mailto:patin3help@uspto.gov)
- Total additional claim fee(s) for this application is \$ 2400
  - \$2400 for 12 independent claims over 3.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

BARBARA A CAMPBELL

Telephone: (703) 308-9140 EXT 217

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/501,215	PCT/JP03/00203	KAMADA1

#6

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	Box PCT
	)	
Kenji KAMADA et al	)	Examiner:
	)	
Appln. No.: 10/501,215	)	Washington, D.C.
	)	
	)	
Filed: July 12, 2004	)	April 8, 2005
	)	
For: ANHYDRATE/HYDRATE OF AN...	)	Atty.Docket: KAMADA1
DERIVATIVES	)	
	)	

RESPONSE TO SEQUENCE LISTING REQUIREMENT

Honorable Commissioner for Patents  
 U.S. Patent and Trademark Office  
 Customer Service Window  
 Randolph Building, Mail Stop **Sequence**  
 401 Dulany Street  
 Alexandria, VA 22314

Sir:

Responsive to the Notice to Comply with Sequence  
 Listing Rules included in the Notification of Missing  
 Requirements dated October 12, 2001, applicants state as  
 follows:

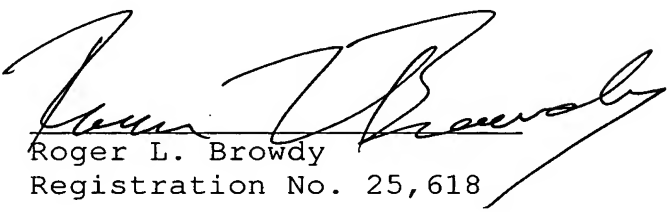
Upon a careful review of the application as filed,  
 applicants have determined that the text of the application  
 contains many acronyms but does not contain any sequences with  
 at least 4 amino acids or 10 nucleotides. Consequently, the  
 sequence rules do not apply in this matter, and applicants are

proceeding in reliance thereof. In the event that the USPTO has identified specific sequences disclosed in the instant application that require a sequence identifier and presentation in a sequence listing section, the USPTO is respectfully invited to point out the identified sequence disclosures to the applicants.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.  
Attorneys for Applicant(s)

By

  
Roger L. Browdy  
Registration No. 25,618

RLB:pp  
Telephone No.: (202) 628-5197  
Facsimile No.: (202) 737-3528  
G:\BN\Y\YUAS\Kamadal\pto\No sequence.doc